

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:21-CR-00168(1)-ADA
	§	
(1) WALTER EDWARD FRANKLIN	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On March 9, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) WALTER EDWARD FRANKLIN, which alleged that Franklin violated a condition of his supervised release and recommended that Franklin's supervised release be revoked (Clerk's Document No. 38). A warrant issued and Franklin was arrested. On June 26, 2023, Franklin appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Franklin appeared before the magistrate judge on July 25, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on July 28, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and

the intervening conduct of Franklin, the magistrate judge recommends that this court revoke Franklin supervised release and that Franklin be remanded to the custody of the U.S. Marshal until a bed becomes available at the Salvation Army halfway house. he should be placed on a term of supervised release for two years with standard conditions. Additionally, the Defendant should have the previously imposed search condition and mental health evaluation. (Clerk's Document No. 54).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On July 25, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 52). The court, having reviewed the entire record and finding no plain error, accepts


and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 54) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) WALTER EDWARD FRANKLIN's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) WALTER EDWARD FRANKLIN be remanded to the custody of the U.S. Marshal until a bed becomes available at the Salvation Army halfway house. He should be placed on a term of supervised release for two years with standard conditions. Additionally, the Defendant should have the previously imposed search condition and mental health evaluation.

Signed this 28th day of July, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE